

## **APPENDIX C**

### **WEST VIRGINIA NPDES PERMIT**



Division of Water and Waste Management  
414 Summers Street, Second Floor  
Charleston, WV 25301  
Telephone: (304) 558-4086  
Fax No. (304) 558-5903

## West Virginia Department of Environmental Protection

Bob Wise  
Governor

Stephanie R. Timmermeyer  
Cabinet Secretary

April 23, 2004

General Services Administration  
2601 Madison Avenue  
Point Pleasant, WV 25550

Re: Storm Water Discharges Associated  
With Industrial Activity WV/NPDES General Permit  
No. WV0111457 Registration Number WVG610088  
General Services Administration, Mason County

Dear Sir or Madam:

Enclosed is a copy of the Multi-Sector General WV/NPDES Water Pollution Control Permit for Storm Water Discharges Associated with Industrial Activity and the Fact Sheet, along with a site registration application form for your completion. This General Permit, issued on April 1, 2004, streamlines and simplifies the permit application process for most facilities. Your current registration has been extended until September 30, 2004.

To be regulated under the terms and conditions of the General Permit, you must satisfy the registration requirements. The enclosed site registration application form must be fully completed. It must be noted that all sections require an answer. Any section that does not, or may not apply to you should be so indicated by "None" or "Not Applicable (NA)". Please refer to the accompanying Instructions to assist you in the completion of the application. A well prepared and accurate application will reduce this agency's processing time and any miscalculations or inaccuracies which could result in unnecessary permit requirements or the decision to require an individual permit. Payment of the necessary application fee must accompany the submission of your site registration application form. Please refer to Page 2 of the Instructions to determine the correct fee.

This application may be submitted electronically by going to [www.wv.dep.org](http://www.wv.dep.org) and under E-DEP select e-permitting and sign up for a user login identification. If you choose to submit your application online, you'll need to submit your certification of signature page along with your application fee and any documents that you did not attach with your electronically submitted application. Electronically submitted applications assure a complete application and the review process will be quicker. Please contact Mavis Lucas at the above number for any questions regarding electronic submittal of applications.

This application must be submitted by May 24<sup>th</sup> 2004.

Upon conclusion of our review, you will be notified whether you are authorized to continue operating under the Multi-Sector General Permit.

April 22, 2004

If there are any questions regarding the preparation of the application form, please do not hesitate to contact Patrick Burch of my staff at (304) 558-4086 or our TTY number (304) 558-2751.

Sincerely,

A handwritten signature in dark ink, appearing to read "Allyn G. Turner". The signature is fluid and cursive, with the first name "Allyn" and last name "Turner" clearly distinguishable.

Allyn G. Turner  
Director

AGT:pb

Enclosures

cc: Env. Insp. Supv.  
Env. Insp.



STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATER AND WASTE MANAGEMENT  
414 SUMMERS STREET, SECOND FLOOR  
CHARLESTON, WV 25301

WEST VIRGINIA/NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
MULTI-SECTOR GENERAL WATER POLLUTION CONTROL PERMIT

Permit No. WVO111457

Issue Date: April 1, 2004  
Effective Date: May 1, 2004  
Expiration Date: March 31, 2009  
Supersedes WV/NPDES General  
Water Pollution Control Permit  
No. WV0111457 issued February 11,  
1999

Subject: Storm Water Associated  
With Industrial Activity

This is to certify that any establishment with discharges composed entirely of storm water associated with industrial activity, and who has satisfied the registration requirements, and agreeing to be regulated under the terms of this general permit except for:

1. Storm water discharges associated with industrial activity from facilities with existing effluent guideline limitations for storm water, as listed herein.

Cement Manufacturing (40 CFR 411)  
Feedlots (40 CFR 412)  
Fertilizer Manufacturing (40 CFR 418)  
Petroleum Refining (40 CFR 419)  
Phosphate Manufacturing (40 CFR 422)  
Steam Electric (40 CFR 423)  
Coal Mining (40 CFR 434)  
Mineral Mining and Processing (40 CFR 436)  
Ore Mining and Dressing (40 CFR 440)  
Asphalt Emulsion (40 CFR 443)  
Oil and Gas Extraction (SIC Major Group 13)



2. Storm water discharges associated with the following activities.

Wood Preserving Facilities (SIC 2491)  
Publicly Owned Treatment Works (SIC 33)  
Landfills  
Land Application Sites  
\*Primary Metals

\*Primary Metals facilities are eligible for coverage under this general permit, if the facility is providing pretreatment for the industrial wastes, in accordance with the regulations and is transferring the wastes to a POTW which has been granted the proper permit or authority to accept such wastes and the facility has a discharge composed entirely of storm water.

3. Storm water discharges associated with industrial activity from facilities with an existing individual NPDES permit which covers the storm water discharges or which are issued a permit in accordance with Section B.1. of this permit.
4. Storm water discharges associated with industrial activity that the Director has shown to be or may reasonably be expected to be contributing to a violation of a water quality standard.
5. Storm water discharges associated with construction activities.

is hereby granted coverage under the General WV/NPDES Water Pollution Control Permit to allow storm water discharges into the waters of the State.

This permit is subject to the following terms and conditions:

The information submitted on and with the Site Registration Application Form or any information presently incorporated in the permittee's previous WV/NPDES permits is hereby incorporated with like effect as if all such information was set forth herein, and other conditions set forth in Sections A, B, Appendix A and the site approval letter.

The validity of this permit is contingent upon the payment of the applicable annual permit fee, as required by Chapter 22, Article 11, Section 10 of the Code of West Virginia.

## SECTION A

This portion of the General Permit identifies industrial activity eligible for coverage and associated monitoring requirements.

## Sector A. Storm Water Discharges Associated With Industrial Activity From Timber Products Facilities

1. Discharges Covered Under this Sector. The requirements listed under this section shall apply to storm water discharges from the following activities: establishments [generally classified under Standard Industrial Classification (SIC) Major Group 24] that are engaged in merchant sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, and plywood and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged manufacturing finished articles made entirely of wood or related materials, except for wood preserving facilities (SIC code 2491), wood kitchen cabinet manufacturers (SIC Code 2434), and timber cutting operations.

### 2. Monitoring Requirements

Table A-1  
Monitoring Requirements for General Sawmills and Planing Mills Facilities

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Chemical Oxygen Demand	120.0 mg/l	1/6 Months
Total Suspended Solids	100 mg/l	1/6 Months
Total Recoverable Zinc	0.117 mg/l	1/6 Months
Biochemical Oxygen Demand	30 mg/l	1/6 Months
Iron, Total	1.0 mg/l	1/6 Months

Table A-2  
Monitoring for Log Storage and Handling Facilities

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/6 Months

Table A-3  
Monitoring Requirements for  
Hardwood Dimensions and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood and Structural Wood; Wood Containers; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Chemical Oxygen Demand	120 mg/l	1/6 Months
Total Suspended Solids	100 mg/l	1/6 Months



**Sector B. Storm Water Discharges Associated With Industrial Activity From Paper and Allied Products Manufacturing Facilities**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges from the following activities: facilities engaged in the manufacture of pulps from wood and other cellulose fibers and from rags; the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes and envelopes; and establishments primarily engaged in manufacturing bags of plastic film and sheet. These facilities are commonly identified by Standard Industrial Classification (SIC) Major Group 26.

2. Monitoring Requirements

Table B-1  
Monitoring Requirements for Paper and Allied Products Mfg. Facilities

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Chemical Oxygen Demand	120 mg/l	1/6 Months

**Sector C. Storm Water Discharges Associated With Industrial Activity From Chemical and Allied Products Manufacturing Facilities**

1. Discharges Covered Under this Section. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from a facility engaged in manufacturing the following products and generally described by the SIC code shown:

- Basic industrial inorganic chemicals (including SIC 281).
- Plastic materials and synthetic resins, synthetic rubbers, and cellulosic and other human made fibers, except glass (including SIC 282).
- Soap and other detergents and in producing glycerin from vegetable and animal fats and oils; specialty cleaning, polishing, and sanitation preparations; surface active preparations used as emulsifiers; wetting agents, and finishing agents, including sulfonated oils; and perfumes, cosmetics, and other toilet preparations (including SIC 284).
- Paints (in paste and ready-mixed form); varnishes; lacquers; enamels and shellac; putties, wood fillers, and sealers; paint and varnish removers; paint brush cleaners; and allied paint products (including SIC 285).
- Industrial organic chemicals (including SIC 286).
- Nitrogenous and phosphatic basic fertilizers, mixed fertilizer, pesticides, and other agricultural chemicals (including SIC 287).
- Industrial and household adhesives, glues, caulking compounds, sealants, and linoleum, tile, and rubber cements from vegetable, animal, or synthetic plastics materials; explosives; printing ink, including gravure ink, screen process ink, and lithographic; miscellaneous chemical preparations, such as fatty acids, essential oils, gelatin (except vegetable), sizes, bluing, laundry soaps, writing and stamp pad ink, industrial compounds,

such as boiler and heat insulating compounds, and chemical supplies for foundries (including facilities with SIC 289).

h) Ink and paints, including china painting enamels, india ink, drawing ink, platinum paints from burnt wood or leather work, paints for china painting, artists' paints and artist's water colors (SIC 3952, limited to those listed).

## 2. Monitoring Requirements

Table C-1  
Agricultural Chemicals Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Nitrate plus Nitrite Nitrogen	0.68 mg/l	1/6 Months
Total Recoverable Lead	0.0816 mg/l	1/6 Months
Total Recoverable Iron	1.0 mg/l	1/6 Months
Total Recoverable Zinc	0.117 mg/l	1/6 Months
Phosphorus	2.0 mg/l	1/6 Months

Table C-2  
Industrial Inorganic Chemicals Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Rec. Aluminum	0.75 mg/l	1/6 Months
Total Recoverable Iron	1.0 mg/l	1/6 Months
Nitrate plus Nitrite Nitrogen	0.68 mg/l	1/6 Months

Table C-3  
Soaps, Detergents, Cosmetics, and Perfumes Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Nitrate plus Nitrite Nitrogen	0.68 mg/l	1/6 Months
Total Recoverable Zinc	0.117 mg/l	1/6 Months



**Sector C. CONT'D. Storm Water Discharges Associated With Industrial Activity From  
Chemical and Allied Products Manufacturing Facilities**

Table C-4  
Plastics, Synthetics, and Resins Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Zinc	0.117 mg/l	1/6 Months

**Sector D. Storm Water Discharges Associated With Industrial Activity From Asphalt  
Paving and Roofing Materials and Lubricant Manufacturers**

**1. Discharges Covered Under This Section**

- a) This section of the permit describes requirements for all existing point source discharges of storm water associated with industrial activity to waters of the State from facilities engaged in manufacturing asphalt paving and roofing materials, including those facilities commonly identified by Standard Industrial Classification (SIC) codes 2951 and 2952.
- b) This section of the permit describes requirements for all existing point source discharges of storm water associated with industrial activity to waters of the State from portable asphalt plant facilities (also commonly identified by SIC Code 2951).
- c) This section of the permit describes requirements for all existing point source discharges of storm water associated with industrial activity to waters of the State from facilities engaged in manufacturing lubricating oils and greases, including those facilities classified as SIC Code 2992.
- d) Limitations on Coverage. The following storm water discharges associated with industrial activity are not authorized by this section of the permit.
  - (1) Storm water discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products and that are classified as SIC Code 2911.
  - (2) Storm water discharges from oil recycling facilities, and
  - (3) Storm water discharges associated with fats and oils rendering.

## 2. Monitoring Requirements

Table D-1  
Monitoring Requirements for Asphalt Paving and  
Roofing Materials Mfg. Facilities

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/6 Months
Chemical Oxygen Demand	120 mg/l	1/6 Months
Oil and Grease	15 mg/l	1/6 Months

### Sector E. Storm Water Discharges Associated With Industrial Activity From Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges from the following activities: manufacturing flat, pressed, or blown glass or glass containers; manufacturing hydraulic cement; manufacturing clay products including tile and brick; manufacturing of pottery and porcelain electrical supplies; manufacturing concrete products; manufacturing gypsum products; nonclay refractories; and grinding or otherwise treating minerals and earths. This section generally includes the following types of manufacturing operators: flat glass, (SIC Code 3211); glass containers, (SIC Code 3221); pressed and blown glass, not elsewhere classified, (SIC Code 3229); hydraulic cement, (SIC Code 3241); brick and structural clay tile, (SIC Code 3251); ceramic wall and floor tile, (SIC Code 3253); clay refractories, (SIC Code 3255); structural clay products not elsewhere classified (SIC Code 3259); vitreous china table and kitchen articles (SIC Code 3262); fine earthenware table and kitchen articles (SIC Code 3263); porcelain electrical supplies, (SIC Code 3264); pottery products, (SIC Code 3269); concrete block and brick, (SIC Code 3271); concrete products, except block and brick (SIC Code 3272); gypsum products, (SIC Code 3275); minerals and earths, ground or otherwise treated, (SIC Code 3295); mineral wool and mineral wool insulation products (SIC 3296). and nonclay refractories, (SIC Code 3297).

Facilities engaged in the following activities are not eligible for coverage under this section; lime manufacturing (SIC 3274); cut stone and stone products (SIC 3281); abrasive products (SIC 3291); asbestos products (SIC 3292).



## 2. Monitoring Requirements

Table E.1  
Monitoring Requirements for Clay Product Manufacturers

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Rec.-Aluminum	0.75 mg/l	1/6 Months
PH	6.0 to 9.0 s.u.	1/6 Months

Table E.2  
Monitoring Requirements for Concrete and Gypsum Product Manufacturers

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/6 Months
Total Recoverable Iron	1 mg/l	1/6 Months
PH	6.0 to 9.0 s.u.	1/6 Months

### Sector F. Storm Water Discharges Associated With Industrial Activity From Automobile Salvage Yards

#### 1. Discharges Covered Under This Section

The requirements of this section apply to point source discharges of storm water associated with industrial activity from facilities engaged in dismantling or wrecking used motor vehicles for parts recycling or resale and for scrap (SIC Code 5015).



## 2. Monitoring Requirements

Table F-1  
Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/6 Months
Total Rec. Aluminum	0.75 mg/l	1/6 Months
Total Recoverable Iron	1 mg/l	1/6 Months
Total Recoverable Lead	0.0816 mg/l	1/6 Months
Oil and Grease	15 mg/l	1/6 Months
Chemical Oxygen Demand	120 mg/l	1/6 Months

### Sector G. Storm Water Discharges Associated With Industrial Activity From Scrap Recycling and Waste Recycling Facilities

Discharges Covered Under this Section. The requirements listed under this section are applicable to storm water discharges from the following activities: facilities that are engaged in the processing, reclaiming and wholesale distribution of scrap and waste materials such as ferrous and nonferrous metals, paper, plastic, cardboard, glass, animal hides (these types of activities are typically identified as SIC Code 5093). Facilities that are engaged in reclaiming and recycling liquid wastes such as used oil, antifreeze, mineral spirits, and industrial solvents (also identified as SIC Code 5093) are also covered under this section.

## Monitoring Requirements

Table G-1  
Industry Monitoring Requirements for Scrap Recycling and  
Waste Recycling Facilities (non-source separated only)

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Chemical Oxygen Demand	120 mg/l	1/6 Months
Total Suspended Solids	100 mg/l	1/6 Months
Total Rec. Aluminum	0.75 mg/l	1/6 Months
Total Recoverable Copper	0.0636 mg/l	1/6 Months
Total Recoverable Iron	1 mg/l	1/6 Months
Total Recoverable Lead	0.0816 mg/l	1/6 Months
Total Recoverable Zinc	0.117 mg/l	1/6 Months
Oil and Grease	15 mg/l	1/6 Months

**Sector H. Storm Water Discharges Associated With Industrial Activity From Vehicle Maintenance Areas, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges from establishments and/or facilities including airports, air terminals, air carriers, flying fields, and establishments engaged in servicing or maintaining airports and/or aircraft (generally classified under SIC Code 45) which have vehicle maintenance shops, material handling facilities, equipment cleaning operations or airport and/or aircraft deicing/anti-icing operations. For the purpose of this permit, the term "deicing" is defined as the process to remove frost, snow, or ice and "anti-icing" is the process which prevents the accumulation of frost, snow, or ice.

2. Monitoring Requirements

Table H-1  
Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Biochemical Oxygen Demand	30 mg/l	1/6 Months
Chemical Oxygen Demand	120 mg/l	1/6 Months
Ammonia	4 mg/l	1/6 Months
pH	6.0 to 9 s.u.	1/6 Months
Oil and Grease	15 mg/l	1/6 Months
Total Suspended Solids	100 mg/l	1/6 Months



**Sector I. Storm Water Discharges Associated With Industrial Activity From Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities**

1. Discharges Covered Under This Section. Storm water discharges from ground transportation facilities and rail transportation facilities (generally identified by SIC Codes 40, 41, 42, 43, and 5171), that have vehicle and equipment maintenance shops vehicle and equipment rehabilitation, mechanical repairs, painting, fueling and lubrication) and/or equipment cleaning operations are eligible for coverage under this section.

**Table I-1**

**Monitoring Requirements for Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities and United States Postal Service Transportation Facilities.**

<b>Pollutants of Concern</b>	<b>Monitoring Cut-Off Concentration</b>	<b>Measurement Frequency</b>
Oil and Grease	15 mg/l	1/6 Months
Total Suspended Solids	100 mg/l	1/6 Months
Chemical Oxygen Demand	120 mg/l	1/6 Months

## **Sector J. Storm Water Discharges Associated With Industrial Activity From Food and Kindred Products Facilities**

1. Discharges Covered Under This Section. This section covers all storm water discharges from food and kindred products processing facilities (commonly identified by SIC Code 20), including: meat products; dairy products; canned, frozen and preserved fruits, vegetables, and food specialties; grain mill products; bakery products; sugar and confectionery products; fats and oils; beverages; and miscellaneous food preparations and kindred products and tobacco products manufacturing (SIC Code 21), where industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewater; sites used for storage, or disposal; shipping and receiving areas; manufacturing buildings; and storage areas for raw material and intermediate and finished products are exposed to storm water and areas where industrial activity has taken place in the past and significant materials remain. For the purpose of this paragraph, material handling activities include the storage, loading, and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product.

### **2. Monitoring Requirements**

**Table J-1  
Grain Mill Products**

<b>Pollutants of Concern</b>	<b>Monitoring Cut-Off Concentration</b>	<b>Measurement Frequency</b>
Total Suspended Solids	100 mg/l	1/6 Months

**Table J-2  
Fats and Oils Products Monitoring Requirements**

<b>Pollutants of Concern</b>	<b>Monitoring Cut-Off Concentration</b>	<b>Measurement Frequency</b>
Biochemical Oxygen Demand	30 mg/l	1/6 Months
Chemical Oxygen Demand	120 mg/l	1/6 Months
Nitrate Plus Nitrite Nitrogen	0.68 mg/l	1/6 Months
Total Suspended Solids	100 mg/l	1/6 Months

## **Sector K. Storm Water Discharges Associated With Industrial Activity From Textile Mills, Apparel, and Other Fabric Product Manufacturing Facilities**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges from the following activities: textile mill products, of and regarding facilities and establishments engaged in the preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage, the manufacturing of broad woven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn; processes involved in the dyeing and finishing of fibers, yarn fabrics, and knit apparel; the integrated manufacturing of knit apparel and other finished articles of yarn; the manufacturing of felt goods (wool), lace goods, nonwoven fabrics, miscellaneous textiles, and other apparel products (generally described by SIC Code 22 and 23).

2. Monitoring Requirements. There are no chemical analysis to be performed for this industry sector.



**Sector L. Storm Water Discharges Associated With Industrial Activity From Wood and Metal Furniture and Fixture Manufacturing Facilities**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges associated with industrial activities from facilities involved in the manufacturing of: wood kitchen cabinets(generally described by SIC Code 2434); household furniture (generally described by SIC Code 251); office furniture (generally described by SIC Code 252); public buildings and related furniture (generally described by SIC Code 253); partitions, shelving, lockers, and office and store fixtures (generally described by SIC Code 254); and miscellaneous furniture and fixtures (generally described by SIC Code 259) If waste wood products are exposed to storm water.

2. Monitoring Requirements.

Table L-1  
Monitoring Requirements for furniture and cabinet manufactures

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Chemical Oxygen Demand	120 mg/l	1/6 Months
Total Suspended Solids	100 mg/l	1/6 Months

**Sector M. Storm Water Discharges Associated With Industrial Activity From Printing and Plate making Facilities**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from the following types of facilities: book printing (SIC Code 2732); commercial printing, lithographic (SIC Code 2752); commercial printing, gravure (SIC Code 2754); commercial printing, not elsewhere classified (SIC Code 2759); and platemaking and related services (SIC Code 2796).

2. Monitoring Requirements. There are no chemical analysis to be performed for this industry sector.

**Sector N. Storm Water Discharges Associated With Industrial Activity From Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries**

1. Discharges Covered Under This Section. The requirement listed under this section shall apply to all storm water discharges associated with industrial activity from rubber and miscellaneous plastic products manufacturing facilities (SIC major group 30) and miscellaneous manufacturing industries, except jewelry, silverware, and plated ware (SIC major group 39, except 391).

2. Monitoring Requirements

Table N-1  
Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Zinc	0.117 mg/l	1/6 Months



## Sector O. Storm Water Discharges Associated With Industrial Activity From Fabricated Metal Products Industry

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from the fabricated metals industry listed below, except for electrical related industries: fabricated metal products, except machinery & transportation equipment, SIC 34 (3429, 3441, 3442, 3443, 3444, 3451, 3452, 3462, 3471, 3479, 3494, 3496, 3499); and jewelry, silverware, and plated ware (SIC Code 391).

### 2. Monitoring Requirements

Table O-1  
Monitoring Requirements for Fabricated Metal Products Except Coating

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Rec. Aluminum	0.75 mg/l	1/6 Months
Total Recoverable Iron	1 mg/l	1/6 Months
Total Recoverable Zinc	0.117 mg/l	1/6 Months
Nitrate plus Nitrite Nitrogen	0.68 mg/l	1/6 Months

Table O-2  
Monitoring Requirements for Fabricated Metal Coating and Engraving

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Zinc	0.117 mg/l	1/6 Months
Nitrate plus Nitrite Nitrogen	0.68 mg/l	1/6 Months

**Sector P. Storm Water Discharges Associated With Industrial Activity From Facilities That Manufacture Transportation Equipment, Industrial, or Commercial Machinery**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges associated with transportation equipment, industrial or commercial machinery manufacturing facilities (commonly described by SIC Major Group 35 except SIC 357, And SIC Major Group 37, except SIC 373). Common activities include: industrial plant yards; material handling sites; refuse sites, sites used for application or disposal of process wastewater; sites used for storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw material and intermediate and finished products; and area where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

Table P-1  
Monitoring Requirements for Transportation Equipment, Industrial, or Commercial Machinery Manufacturing facilities.

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/6 Months
Oil and Grease	15 mg/l	1/6 Months
Chemical Oxygen Demand	120 mg/l	1/6 Months

**Sector Q. Storm Water Discharges Associated With Industrial Activity From Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to all storm water discharges associated with industrial activity from facilities that manufacture: electronic and other electrical equipment and components, except computer equipment (SIC major group 36); measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (SIC Major Group 38) and computer and office equipment (SIC Code 357).

2. Monitoring Requirements. There are no chemical analysis to be performed for this industry sector.

**Sector R. Storm Water Discharges Associated With Industrial Activity From Primary Metals Facilities**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to all storm water discharges from the primary industry, which includes the following types of facilities:

a) Steel works, blast furnaces, and rolling and finishing mills including: steel wiredrawing and steel nails and spikes, cold-rolled steel sheet, strip, and bars; and steel pipes and tubes (SIC code 331).

b) Iron and steel foundries, including: gray and ductile iron, malleable iron, steel investment, and steel foundries not elsewhere classified (SIC code 332).

c) Primary smelting and refining of nonferrous metals, including: primary smelting and refining of copper, and primary production of aluminum (SIC code 333).

d) Secondary smelting and refining of nonferrous metals (SIC code 334).

e) Rolling, drawing, and extruding of nonferrous metals, including: rolling, drawing, and extruding of copper; rolling, drawing, and extruding of nonferrous metals, except copper and aluminum; and drawing and insulating of nonferrous wire (SIC code 335).

f) Nonferrous foundries (Castings, including: aluminum die-castings, nonferrous die-castings, except aluminum, aluminum foundries, and nonferrous foundries, except copper and aluminum (SIC code 336).

g) Miscellaneous primary metal products, not elsewhere classified, including: metal heat treating, and primary metal products, not elsewhere classified (SIC code 339).

Activities covered include, but are not limited to, storm water discharges associated with coking operations, sintering plants, blast furnaces, smelting operations, rolling mills, casting operations, heat treating, extruding, drawing, or forging of all types of ferrous and nonferrous metals.



2. Monitoring Requirements

Table R-1  
Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC 331)  
Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Rec. Aluminum	0.75 mg/l	1/6 Months
Total Recoverable Zinc	0.117 mg/l	1/6 Months

Table R-2  
Iron and Steel Foundries (SIC 332) Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Rec. Aluminum	0.75 mg/l	1/6 Months
Total Suspended Solids	100 mg/l	1/6 Months
Total Recoverable Copper	0.0636 mg/l	1/6 Months
Total Recoverable Iron	1 mg/l	1/6 Months
Total Recoverable Zinc	0.117 mg/l	1/6 Months
Oil and Grease	15 mg/l	1/6 Months
Lead, Total	0.0816 mg/l	1/6 Months

Table R-3  
Rolling, Drawing, and Extruding of Non-Ferrous Metals (SIC 335) Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Copper	0.0636 mg/l	1/6 Months
Total Recoverable Zinc	0.117 mg/l	1/6 Months

Table R-4  
Non-Ferrous Foundries (SIC 336) Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Copper	0.0636 mg/l	1/6 Months
Total Recoverable Zinc	0.117 mg/l	1/6 Months
Oil and Grease	15 mg/l	1/6 Months
Lead, Total	0.0816 mg/l	1/6 Months

Sector S. Storm Water Discharges Associated With Industrial Activity From Facilities engaged in Motorsports including Motorcycles, All Terrain Vehicles and Automobiles

1. Discharges Covered Under this Section Storm water discharges from Motorsport complexes that involve the racing of Motorcycles, All Terrain Vehicles, Automobiles or other motorized vehicle (generally identified by SIC Code 7948).

Table S-1  
Automobile, Motorcycle, ATV and all other Motorsports Complexes

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Oil and Grease	15 mg/l	1/6 Months
Total Suspended Solids	100 mg/l	1/6 Months

**Sector T. Storm Water Discharges Associated With Industrial Activity From Facilities That Are Not Covered Under Sectors A Thru S.**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from those facilities that are not covered for such discharges under Sectors A thru S. It is the intent of the Division that this sector include those storm water discharges which are not covered under Sectors A thru S as well as those facilities which had no previous storm water permit that are applying for the first time and will not be covered under Sectors A thru S.

2. Monitoring Requirements

Table T-1  
Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Biochemical Oxygen Demand	30 mg/l	1/6 Months
Chemical Oxygen Demand	120 mg/l	1/6 Months
Total Suspended Solids	100 mg/l	1/6 Months
Ammonia Nitrogen	4 mg/l	1/6 Months
Oil and Grease	15 mg/l	1/6 Months
pH	6.0-9.0 s.u.	1/6 Months



## SECTION B. OTHER REQUIREMENTS

### 1. Requiring an individual permit

The Director may require any person authorized by this permit to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit, coverage under this general permit shall automatically terminate. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application required by the Director under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

### 2. Prohibition on non-storm water discharges

All discharges covered by this permit shall be composed entirely of storm water except for the following listed below.

The following non – storm water discharges that are mixed with storm water are allowed.

1. Mist discharges which originate from cooling towers and which are deposited at an industrial facility.

Mist discharges must meet the following requirements: 1. The permittee has evaluated the potential for the discharges to be contaminated by chemicals used in the cooling tower and determined that the levels of such chemicals in the discharges would not cause or contribute to a violation of an applicable water quality standard and 2. The permittee has addressed this source of pollutants with appropriate BMPs in the SWPPP.

2. Discharges from fire fighting activities
3. Fire hydrant flushings
4. Potable water sources including waterline flushings
5. Irrigation drainage
6. Lawn watering
7. Routine external building washdown without detergents
8. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used
9. Air conditioning condensate
10. Compressor condensate
11. Uncontaminated ground water or spring water and foundation and footing drains where flows are not contaminated with process materials

These other sources of non – storm water must be identified in the facility's Stormwater pollution prevention plan.

### 3. Releases in excess of Reportable Quantities.

This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. The discharge of hazardous substances in the storm water discharge(s) from a facility shall be minimized in accordance with the applicable storm water pollution prevention plan for the facility, and in no case, during any 24-hour period, shall the discharge(s) contain a hazardous substance equal to or in excess of reporting quantities.

### 4. Low Concentration Waiver

When the average concentration for a pollutant calculated from all monitoring data, with a minimum of four(4) consecutive samples, is less than the corresponding listed cut-off concentration for that pollutant, additional monitoring for that pollutant in Section A, is not required. The facility must submit each year, to the Division of Water and Waste Management in lieu of the monitoring data, a certification (form provided) that there has not been a significant change in the industrial activity or the pollution prevention measures in the area of facility that drains to the outlet for which sampling was waived.

The waiver is valid only for the term of the facilities current registration. If a facility would like to continue its waiver after this date it must reapply at the time of reissuance. The sampling required for a waiver extension consists of one(1) sample of each pollutant. If the sample is less than the corresponding listed cut-off concentration, then the waiver may be extended for the term of the facilities next registration.

Permittee shall review its storm water pollution prevention practices each year and revise the plan (required in Section B-11), if this average concentration for any indicator pollutant in the previous year's sampling was greater than the corresponding cut-off value for that pollutant.

### 5. Alternative Certification

A discharge is not subject to the monitoring requirements of Section "A" provided the discharger makes a certification (form provided) for a given outlet, or on a pollutant-by-pollutant basis in lieu of monitoring reports, under penalty of law, signed in accordance with Signatory Requirements as specified in the Appendix; that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial, machinery or operations, or significant materials from past industrial activity, that are located in areas of the facility within the drainage area of the outlet are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period.

### 6. No Exposure Certification

A facility that has a SIC code listed in section A requiring them to be covered under this permit is exempt from permitting requirements if they meet the following requirements consistent with the Code of Federal Regulations Section 122.26(g).

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snowmelt,



## 6. Continued

and/or runoff. Industrial materials include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products, other than products that would be mobilized in storm water discharges (e.g. rock salt).

A No Exposure Certification must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion. The certification must be submitted once every five years along with the required fee determined by the DWWWM.

If circumstances change and industrial materials or activities become exposed to rain, snow, snow melt, and / or runoff. The conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement and / or un-permitted discharge. Any conditionally exempt discharger who anticipates changes in circumstances should apply for and obtain permit authorization prior to the change of circumstances.

Notwithstanding the provisions of this paragraph, the DWWWM retains the authority to require permit authorization (and deny this exclusion) upon making a determination that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard including designated uses.

## 7. Representative Discharge.

When a facility has two or more outlets that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outlet, the permittee reasonably believes discharges substantially identical effluents, the permittee may test the effluent of one of such outlets and report that the quantitative data also applies to the substantially identical outlet(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outlets and explains in detail why the outlets are expected to discharge substantially identical effluents. In addition, for each outlet that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g. low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan. The permittee shall include the description of the location of the outlets, explanation of why outlets are expected to discharge substantially identical effluents, and



## 7. Continued

estimate of the size of the drainage area and runoff coefficient with the Storm Water Monitoring Report.

## 8. Visual Examination of Storm Water Quality

Permittee shall perform and document a visual examination of a storm water discharge associated with industrial activity for each outlet during each monitoring period. Examination shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not exceed one hour) of when the runoff or snowmelt begins discharging. The examinations shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. Visual examination reports must be maintained onsite in the storm water pollution prevention plan.

## 9. Water Quality Standards.

The permittee shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3 of the West Virginia Code.

## 10. TMDL Requirements.

Permittees discharging pollutants of concern to waters for which there is a total maximum daily load (TMDL) established or approved by EPA are not eligible for coverage under this general permit, unless the permit conditions of this general permit are consistent with the assumptions and requirements of such TMDL. Therefore, the permittee must submit an NPDES application to West Virginia Department of Environmental Protection for coverage under an individual NPDES permit. The permittee should consult with the State or EPA TMDL authority to confirm if his/her facility is subject to an approved TMDL.

## 11. Endangered and Threatened Species Requirements.

If a site discharges to a stream where a Federally endangered or threatened species or its habitat are present, the applicant should contact the US Fish and Wildlife Service to insure that requirements of the Federal Endangered Species Act are met.

## 12. Reopener Clause

If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit in accordance with Section B.1. of this permit or the permit may be modified to include different limitations and/or requirements.

## 13. Other Statutes or Regulations

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

#### 14. Storm Water Pollution Prevention Plans (SWPPP) and Groundwater Protection Plan (GPP).

Each facility covered by this permit shall have a storm water pollution plan and a groundwater protection plan. These two plans may be combined into one plan so long as all requirements for both plans are met. Alternatively, they may be developed and maintained as separate stand-alone documents. Storm water pollution prevention plan shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. The SWPPP and the GPP shall be signed in accordance with Section I.6, Appendix A of this permit and shall be retained on site. Plans shall provide for compliance with the terms of the plan prior to submitting a registration form to be covered under this permit. The permittee shall make plan(s) available, upon request, to the Director or authorized representative. All facilities wishing to be covered by this permit for the first time must submit a copy of the SWPPP and GPP with the application for review.

If the plan(s) are reviewed by the Director or authorized representative, that individual may notify the permittee at any time that either the SWPPP and/or the GPP does not meet one or more of the minimum requirements of this section. After such notification, the permittee shall make changes to the plan in accordance with the time frames established below, and shall submit to the Director, a written certification that the requested changes have been made. The permittee shall have 30 days after such notification to make the changes necessary.

All SWPPPs and GPPs required under this permit are considered reports that shall be available to the public under Section 308 (b) of the CWA. The owner or operator of a facility with storm water discharges covered by this permit shall make plans available to members of the public upon request by the public. However, the permittee may claim any portion of a storm water pollution plan as confidential in accordance with 46 CSR 2-12.7.

If representative organization of a significant number of facilities in a particular SIC code can develop and demonstrate an acceptable storm water pollution prevention plan, and/or groundwater protection plan, the DWWM will review this approach for considering those facilities for coverage under this general permit and in compliance with this section.

##### A. Storm Water Pollution Prevention Plan Requirements

a) Contents of Plan. The plan shall include, at a minimum, the following items:

(1) Description of Potential Pollutant Sources. Each plan shall provide a description of potential sources which may be reasonably expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Plans shall identify all activities which may potentially be significant pollutant sources, including: 1) loading or unloading of dry bulk materials or liquids, 2) outdoor storage of raw materials, intermediary products or products, 3) outdoor process activities, 4) dust or particulate generating processes, 5) illicit connections or management practices, and 6) waste disposal practices. To facilitate this process, each plan, shall at a minimum, include:



(A) A site map indicating, at a minimum: each drainage and discharge structure; an outline of the drainage area of each discharge point, each past or present area used for outdoor storage or disposal of significant materials; each existing structural control measure to reduce pollutants in storm water runoff; materials loading and access area; each hazardous waste storage or disposal facility (including each area not required to have a RCRA permit which is used for accumulating hazardous waste under 40 CFR 262.34); each well where fluids from the facility are injected underground; sinkholes; springs; and other surface water bodies;

(B) An estimate of the area of impervious surfaces (including paved areas and building roofs) relative to the total area drained by each outlet;

(C) A topographic map (or other map if a topographic map is unavailable), extending one mile beyond the property boundaries of the facility, depicting the facility and each of its intake and discharge structures, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area. The requirements of this paragraph may be included in the site map required under Section G.5.d) (1) (A).

(D) A narrative description of significant materials that have been treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of the coverage under this permit and the present; method of on-site storage or disposal; materials management practices employed to minimize contact of these materials with storm water runoff between the time of three years prior to the date of issuance of this permit and the present; materials loading and access areas; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and description of any treatment the storm water receives.

(E) A list of significant spills and leaks of toxic or hazardous pollutant that occurred at the facility after the date of three (3) years prior to coverage under this permit and the present. Such list shall be updated when a significant spill or leak of toxic or hazardous pollutants occurs and shall include a description of the materials released, an estimate of the volume of the release, the location of the release, and a description of any remediation or cleanup measures taken;

(F) For each area of the plant that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which could be present in storm water discharges associated with industrial activity; and

(G) A summary of existing sampling data describing pollutants in storm water discharges.

## (2) Storm Water Management Controls

Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. Priorities developed in a plan for implementing controls shall reflect the nature of identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

(A) Pollution Prevention Committee - The description of the storm water Pollution



Prevention Committee shall identify specific individuals within the organization who are responsible for developing the storm water pollution prevention plan and assisting the manager in its implementation, maintenance, and revision. The activities and responsibilities of the committee should address all aspects of the facility's storm water pollution prevention plan.

(B) Risk identification and Assessment/Material Inventory - The storm water pollution prevention plan shall assess the potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity. The plan shall inventory the types of materials handled, the location of material management activities, and types of material management activities. Factors to consider when evaluating the pollution potential of runoff from various portions of an industrial plant include: loading and unloading operations, outdoor storage activities; outdoor manufacturing or processing activities; dust or particulate generating processes; and waste disposal practices. Other factors to consider are the toxicity of chemicals; quantity of chemicals used, produced, or discharged; history of water quality violations; history of significant leaks or spills of toxic or hazardous pollutants; and nature and uses of the receiving waters.

(C) Preventive Maintenance - A preventive maintenance program shall involve inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins, etc.) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

(D) Good Housekeeping - Good housekeeping requires the maintenance of a clean, orderly facility.

(E) Spill Prevention and Response Procedures - Areas where potential spills can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures and storage requirements in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to all personnel.

(F) Storm Water Management - After measures have been taken to minimize pollutant sources to storm water, traditional storm water management practices should be considered.

(G) Sediment and Erosion Prevention - The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for soil erosion, and identify measures to limit erosion.

(H) Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping, and material management practices. A pollution prevention plan shall identify periodic dates for such training.

(I) Visual Inspections - Qualified company personnel shall be identified to inspect designated equipment and plant or other appropriate areas. Material handling areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking or follow-up procedure should be used to ensure that adequate response and



corrective actions have been taken in response to the inspection. Records of inspections shall be maintained.

(J) Record keeping and Internal Reporting Procedures - Incidents such as spills, leaks, and improper dumping, along with other information describing the quality and quantity of storm water discharges should be included in the records. Inspections and maintenance activities such as cleaning oil and grit separators or catch basins should be documented and recorded.

(K) Non-Storm Water Discharges - A certification that the discharge has been tested or the presence of non-storm water discharges. The certification shall include a description of the results of any test for the presence of non-storm water discharges, the method used, the date of any testing, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outlet, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why the certification required by this section was not feasible.

b) Site Inspection

A site inspection shall be conducted annually by appropriate personnel named in the storm water pollution prevention plan to verify that the description of potential pollutant sources required under Section B.11.A.a)(1) is accurate; the drainage map has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in storm water discharges associated with industrial activity identified in the storm water pollution prevention plan are being implemented and are adequate. Records documenting significant observations made during the site inspection shall be retained as part of the storm water pollution prevention plan for three years.

c) A facility which has experienced one or more releases of a hazardous substance in excess of reporting quantities established at 40 CFR 117.3 or 40 CFR 302.4 within twelve months prior to the effective date of this permit, or after the effective date of this permit, shall include as part of the storm water pollution prevention plan for the facility a written description of each release, corrective actions taken and measures taken to prevent recurrence. (Note: Section B.3. if this permit prohibits storm water discharges which, during any 24-hour period, contain a hazardous substance equal to or in excess of the reporting quantities of 40 CFR 117 and 40 CFR 302.)

d) Consistency with Other Plans and Programs

Storm water management plans and programs may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under section 311 of the Clean Water Act (CWA) or Best Management Practices (BMP) plans otherwise required by a WV/NPDES permit, and may incorporate any part of such plans into the storm water pollution prevention plan by reference.

## B. Groundwater Protection Plan Requirements

Groundwater Protection Plans (GPPs) shall be prepared in accordance with this Section and the requirements of Title 47, Series 58, Section 4.11., et. seq. (Groundwater Protection Regulations). If the GPP is combined with the SWPPP into a single plan it may not be necessary to repeat some of the information required by the following subsections. However, stand alone GPPs must contain the following information at a minimum:

(1) The GPP shall include an inventory of all operations which may reasonably be expected to contaminate the groundwater resources with an indication of the potential for soil and groundwater contamination from those operations. The following potential sources must be considered: Outside materials storage areas; Disposal areas; Loading and unloading areas; Bulk storage and distribution areas; Drums; Sumps; Pumps; Tanks; Impoundments; Ditches; and Underground Pipelines. In addition the GPP shall provide a thorough and detailed description of procedures designed to protect groundwater from the identified potential contamination sources. Specific attention must be given to manufacturing facilities, materials handling, equipment cleaning, construction activities, maintenance activities, pipelines, sumps, and tanks containing contaminants.

(2) Facilities which have areas that require remedial action to install, implement, or develop procedures or control equipment to protect groundwater shall include in their GPP a schedule of compliance listing such areas, the remedial actions necessary, and the projected date such remedial actions will be completed. The schedule of compliance is a part of the GPP and enforceable under Title 47, Series 58, Section 4.12.e.1.

(3) A thorough and detailed list of groundwater protection procedures to be employed in the design of new equipment or operations.

(4) A thorough and detailed summary of all activities carried out under other regulatory programs which have relevance to groundwater protection (for example: RCRA, CERCLA, Storm Water Permit, Spill Prevention Control and Countermeasures plans, Toxic Substances Control Act, DOT training requirements, Management of Used Oil, etc.)

(5) All reasonably available information groundwater quality at the site. This should include any known sampling in the area, other potential sources of contamination, depth to groundwater, and any other information available.

(6) A statement that no wastes will be used for deicing, fills, or for other uses on the site unless provided for in existing rule.

(7) Provisions for training all employees and contractor personnel on their responsibility to ensure groundwater protection. Job procedures shall provide direction on prevention of groundwater contamination.

(8) Provisions for quarterly inspections of the facility to ensure that all elements and equipment of the groundwater protection programs are in place, functioning properly, and are appropriately managed.



The herein described activity is to be constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit; with all plans and specifications previously submitted with the individual site registration application form or individual permit application; with a plan of maintenance and method of operation thereof; and with any applicable rules and regulations promulgated by the State Environmental Quality Board.

Failure to comply with the terms and conditions of this permit, with the plans and specifications previously submitted with individual site registration application form or individual permit application, and with a plan of maintenance and method of operation thereof shall constitute grounds for the revocation or suspension of this permit and for the invocation of all the enforcement procedures set forth in Chapter 22, Article 11 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Chapter 22, Article 11 of the Code of West Virginia

BY: Allyn B. Turner

Director

## Appendix A

### I. MANAGEMENT CONDITIONS:

1. **Duty to Comply**
  - a) The permittee must comply with all conditions of this permit. Permit noncompliance constitutes a violation of the CWA and State Act and is grounds for enforcement action; for permit modification, revocation and reissuance, suspension or revocation; or for denial of a permit renewal application.
  - b) The permittee shall comply with all effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
2. **Duty to Reapply**  
If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit at least 180 days prior to expiration of the permit.
3. **Duty to Mitigate**  
The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.
4. **Permit Actions**  
This permit may be modified, revoked and reissued, suspended, or revoked for cause. The filing of a request by the permittee for permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
5. **Property Rights**  
This permit does not convey any property rights of any sort or any exclusive privilege.
6. **Signatory Requirements**  
All applications, reports, or information submitted to the Director shall be signed and certified as required in Title 47, Series 10, Section 4.5 of the West Virginia Legislative Rules.
7. **Transfers**  
This permit coverage is not transferrable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.
8. **Duty to Provide Information**  
The permittee shall furnish to the Director, within a reasonable specified time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, suspending, or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
9. **Other Information**  
Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.
10. **Inspection and Entry**  
The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
  - a) Enter upon the permittee's premises in which an effluent source or activity is located, or where records must be kept under the conditions of this permit;
  - b) Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
  - c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the State Act, any substances or parameters at any location.
11. **Permit Modification**  
This permit may be modified, suspended, or revoked in whole or in part during its term in accordance with the provisions of Chapter 22-11-12 (of the Code of West Virginia).
12. **Water Quality**  
The effluent or effluents covered by this permit are to be of such quality so as not to cause violation of applicable water quality standards adopted by the Environmental Quality Board.
13. **Outlet Markers**  
A permanent marker at the establishment shall be posted in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules.

4. Liabilities

- a) Any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
- b) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- c) Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- d) Nothing in C.14 a), b), and c) shall be construed to limit or prohibit any other authority the Director may have under the State Water Pollution Control Act, Chapter 22, Article 11.

15. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.



## II. OPERATION AND MAINTENANCE:

### 1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. Unless otherwise required by Federal or State law, this provision requires the operation of back-up auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

### 2. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

### 3. Bypass

#### a) Definitions

- (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility; and
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of II.3.c) and II.3.d) of this permit.

- (1) If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass;
- (2) If the permittee does not know in advance of the need for bypass, notice shall be submitted as required in IV.2.b) of this permit.

#### d) Prohibition of bypass

- (1) Bypass is permitted only under the following conditions, and the Director may take enforcement action against a permittee for a bypass, unless:
  - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - (C) The permittee submitted notices as required under II.3.c) of this permit.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in II.3.d.(1) of this permit.

### 4. Upset

- a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitation if the requirements of II.4.c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required in IV.2.b) of this permit;
  - (4) The permittee complied with any remedial measures required under I.3. of this permit.
- d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

### 5. Removed Substances

Where removed substances are not otherwise covered by the terms and conditions of this permit or other existing permit by the Director, any solids, sludge, filter backwash or other pollutants removed in the course of treatment or control of wastewater and which are intended for disposal within the State, shall be disposed of only in a manner and at a site subject to the approval by the Director. If such substances are intended for disposal outside the State or for reuse, i.e., as a material used for making another product, which in turn has another use, the permittee shall notify the Director in writing of the proposed disposal or use of such substances, the identity of the prospective disposer or users, and the intended place of disposal or use, as appropriate.

### III. MONITORING AND REPORTING

#### 1. Representative Sampling, Sample Type and Sampling Period

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the retention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a grab sample may be taken at any time within 24 hours from the beginning of rainfall. For all other discharges, samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where once per six(6) month sampling is required, the samples for each six(6) month period shall be collected at least three(3) months apart. The grab sample shall be taken during the first thirty minutes of the discharge. If the collection of a grab sample during the first thirty minutes is impractical, a sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first thirty minutes was impractical.

Permittee shall monitor samples collected during the sampling period of January through June and July through December.

#### 2. Reporting

- Permittee shall submit each year, according to the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration, the values of the constituents listed in Part A analytically determined to be in the effluent(s).
- The required DMRs should be mailed no later than 20 days following the end of the reporting period and be addressed to:

Director  
Division of Water and Waste Management  
414 Summers Street, Second Floor  
Charleston, WV 25301  
Attention: Permitting Section

and Supervisor Environmental Enforcement  
(General Permit Registration shall contain Regional address)

#### 3. Test Procedures

Samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136, unless other test procedures have been specified elsewhere in this permit.

#### 4. Recording of Results

For each measurement or sample taken pursuant to the permit, the permittee shall record the following information.

- The date, exact place, and time of sampling or measurement;
- The date(s) analyses were performed;
- The individual(s) who performed the sampling or measurement;
- The individual(s) who performed the analyses; if a commercial laboratory is used, the name and address of the laboratory;
- The analytical techniques or methods used, and
- The results of such analyses. Information not required by the DMR form is not to be submitted to this agency, but is to be retained as required in III.5.

#### 5. Additional Monitoring by Permittee

If the permittee monitors any pollutant at any monitoring point specified in this permit more frequently than required by this permit, using approved test procedures or others as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.

#### 6. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

#### 7. Definitions

- "Daily discharge" means the discharge of a pollutant measured during a calendar day or within any specified period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.
- "Average monthly discharge limitation" means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- "Maximum daily discharge limitation" means the highest allowable daily discharge.
- "Composite Sample" is a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite. The maximum time period between individual samples shall be two hours.
- "Grab Sample" is an individual sample collected in less than 15 minutes.
- "Is" = immersion stabilization - a calibrated device is immersed in the effluent stream until the reading is stabilized.



### III. MONITORING AND REPORTING CONTD.

- g) The "daily average temperature" means the arithmetic average of temperature measurements made on an hourly basis, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar month, or during the operating month if flows are of shorter duration.
- h) The "daily maximum temperature" means the highest arithmetic average of the temperatures observed for any two (2) consecutive hours during a 24 hour day, or during the operating day if flows are of shorter duration.
- i) The "daily average fecal coliform" bacteria is the geometric average of all samples collected during the month.
- j) "Measured Flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or which a relationship to absolute volume has been obtained.
- k) "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.
- l) "Non-contact cooling water" means the water that is contained in a leak-free system, i.e., no contact with any gas, liquid, or solid other than the container for transport; the water shall have no net poundage addition of any pollutant over intake water levels, exclusive of approved anti-fouling agents.
- m) "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- n) "CWA" means Clean Water Act or the Federal Water Pollution Control Act.
- o) "Director" means the Director of the Division of Water and Waste Management, Department of Environmental Protection or their designated representative.
- p) "Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.
- q) "Salt Piles" means the commercial storage of common salt (sodium chloride).
- r) "Section 313 water priority chemicals" means a chemical or chemical categories which are:
  - (1) Are listed at 40 CFR 372.65 pursuant to section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;
  - (2) Are present at or above threshold levels at a facility subject to SARA Title III, section 313 reporting requirements; and
  - (3) That meet at least one of the following criteria: (i) Area listed to appendix D of 40 CFR part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) Are listed as a hazardous substance pursuant to Section 311 (b)(2)(A) of the CWA at 40 CFR 116; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.
- s) "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
- t) "Site Registration Application Form" means the form(s) designed by the Director for the purpose of making application for coverage under a general permit.
- u) "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the CWA (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).
- v) "Storm Water" means storm water runoff, snow melt runoff and surface runoff and drainage.
- w) "Storm Water Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified below in (i) through (x), the term includes, but is not limited to storm water discharges from industrial plant yards, immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites, refuse sites, sites used for the application or disposal of process wastewater (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified below in (xi) the term includes only storm water discharges from all areas listed in the previous sentence (except access roads) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products or industrial machinery are exposed to storm water. For the purposes of the storm water regulations (40 CFR Part 122.26), material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated that meet the description of the facilities listed in the paragraph (i)-(xi)) include those facilities designated under 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of these regulations.



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- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (X));
  - (j) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28, 29, 30, 311, 32, 33, 3441, 373;
  - (k) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11 (1)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;
  - (l) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
  - (m) Landfill and land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;
  - (n) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
  - (o) Steam electric power generating facilities, including coal handling sites;
  - (p) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42, 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified in (i)-(vi) or (x)-(z) are associated with industrial activity;
  - (q) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with the design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR Part 503;
  - (r) Construction activities, including clearing, grading and excavation activities except: operations that result in the disturbance of less than three acres of total land area which are not part of a larger common plan of development or sale;
  - (s) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 26, 27 (except 373), 38, 39, 4221-25), (and which are not otherwise included within categories (i)-(x)).
- (x) "Trout Streams" means any waters which meet the definition of Section 2.18 of 46 CSR1.
- (y) "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.
- (z) "25-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years. This information is available from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.
- (aa) "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable recurrence interval of once in 10 years. This information is available from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

#### IV. OTHER REPORTING

##### 1. Reporting Spills and Accidental Discharges

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to Title 47, Series 11, Section 2 of the West Virginia Legislative Rules promulgated pursuant to Chapter 22, Article 11.

Attached is a copy of the West Virginia Spill Alert System for use in complying with Title 47, Series 11, Section 2 of the Legislative rules as they pertain to the reporting of spills and accidental discharges.

##### 2. Immediate Reporting

- a) The permittee shall report any noncompliance which may endanger health or the environment immediately after becoming aware of the circumstances by using the Agency's designated spill alert telephone number. A written submission shall be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- b) The following shall also be reported immediately:
  - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
  - (2) Any upset which exceeds any effluent limitation in the permit; and
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported immediately. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.
- c) The Director may waive the written report on a case-by-case basis if the oral report has been received in accordance with the above.
- d) Compliance with the requirements of IV.2 of this section, shall not relieve a person of compliance with Title 47, Series 11, Section 2.

##### 3. Reporting Requirements

- a) Planned changes. The permittee shall give notice to the Director of any planned physical alterations or additions to the permitted facility which may affect the nature or quantity of the discharge.
- b) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

##### 4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under the above paragraphs at the time monitoring reports are submitted. The reports shall contain the information listed in IV.2.a).

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATER AND WASTE MANAGEMENT  
414 SUMMERS STREET, SECOND FLOOR  
CHARLESTON, WV 25301

WEST VIRGINIA/NPDES  
MULTI-SECTOR GENERAL WATER POLLUTION CONTROL PERMIT

FACT SHEET AND RATIONALE

1. NAME AND ADDRESS OF APPLICANT: Any establishment with discharges composed entirely of storm water associated with industrial activity agreeing to be regulated under the terms of this proposed General Permit (except as noted herein).
2. GENERAL WV/NPDES PERMIT NO.: WV0111457
3. COUNTY: Any WV county
4. RECEIVING STREAM: Any WV stream
5. PUBLIC COMMENT PERIOD FROM January 28, 2004 TO March 6, 2004
6. BACKGROUND

The West Virginia Storm Water Multi-Sector General Permit for Industrial Activities is intended to cover storm water discharges to waters of the State from a wide variety of industrial activities and is derived from, and based in large part upon the Final National Pollutant Discharge Elimination System Storm Water Multi-Sector General Permit For Industrial Activities as promulgated by the Environmental Protection Agency (EPA) in Federal Register / Vol. 60, No. 189 / Friday, September 29, 1995 / Notices (the "Federal Multi-Sector Permit" or FMSP).

The West Virginia Storm Water Multi-Sector Permit is proposed to replace its Existing Storm Water Multi-Sector Permit No. WV0111457. All facilities covered under the existing General permit will be required to submit a new registration form to obtain coverage under new Multi-Sector Storm Water Permit. Upon receipt of the registration application form, the Division of Water and Waste Management will review it for completeness. The Division of Water and Waste Management then will advise applicant of its coverage under this permit and advise applicable Sector and Monitoring Requirements. Proposed storm water discharges or discharges without previous permit or applications are also eligible for coverage under the General Permit, however, each discharge/facility must meet the public notice and public comment requirements.



## 7. TYPES OF DISCHARGES COVERED

This permit covers storm water discharges associated with industrial activity from industrial categories which the EPA has determined to contain storm water discharges consistent with the EPA's definition of "storm water discharges associated with industrial activity," except those storm water discharges described in the next section. These industrial categories have been regrouped into the 20 sectors based upon similarities in the nature of the industrial activity, the type of materials handled and material management practices employed. This permit also covers storm water discharges associated with industrial activity from those industries which will not, or are not, covered under sectors A through T. Refer to the permit, Part A, for the type of discharges covered under each sector.

## 8. TYPES OF DISCHARGES NOT COVERED

The State of West Virginia has decided to regulate storm water associated with the following industrial activity through individual WV/NPDES Permits. Most of these facilities are subject to effluent guidelines and/or operating under individual WV/NPDES permit.

Cement Manufacturing (40 CFR 411)  
Feedlots (40 CFR 412)  
Fertilizer Manufacturing (40 CFR 418)  
Petroleum Refining (40 CFR 419)  
Phosphate Manufacturing (40 CFR 422)  
Steam Electric (40 CFR 423)  
Coal Mining (40 CFR 434)  
Mineral Mining and Processing (40 CFR 436)  
Ore Mining and Dressing (40 CFR 440)  
Asphalt Emulsion (40 CFR 443)  
Oil and Gas Extraction (SIC Major Group 13)  
Publicly Owned Treatment Works (SIC33)  
Landfills  
Land Application Sites  
\*Primary Metals  
Discharges Associated with Construction Activities.  
Wood Preserving Facilities (SIC2491)

## 9. MONITORING REQUIREMENTS

This permit requires analytical monitoring for discharges from certain classes of industrial facilities. This Office believes that industries may reduce the level of pollutants in storm water runoff from their sites through the development and proper implementation of a storm water pollution prevention plan. The permit only requires analytical monitoring for the industry sectors or subsectors that demonstrated a potential to discharge pollutants at concentrations of concern.

To determine when such analytical monitoring would be required, the EPA established "benchmark" concentrations for the pollutant parameters on which monitoring results had been received. The "benchmarks" are the pollutant concentrations above which the EPA determined represents a level of concern. The level of concern is a concentration at which a storm water discharge could potentially impair, or contribute to impairing water quality or affect human health from ingestion of water or fish. The benchmarks are also viewed by this Office as a level, that if below, a facility represents little potential for water quality concern. As such, the benchmarks also provide an appropriate level to determine whether a facility's storm water pollution prevention measures are successfully implemented. The benchmark concentrations are not effluent limitations and should not be interpreted or construed as such. These values are merely levels which the Office is using to determine if a storm water discharge from any given facility merits further monitoring to insure that this facility has been successful in implementing a storm water pollution prevention plan. As such, these levels represent a target concentration for a facility to achieve through implementation of pollution prevention measures at the facility. The following table lists the parameter benchmark values as selected by the Office.

**Parameter Benchmark Values  
West Virginia**

Parameter Name	Benchmark Level	Source(*)
Biochemical Oxygen Demand (5)	30 mg/l	4
Chemical Oxygen Demand	120 mg/l	5
Total Suspended Solids	100 mg/l	14
Oil and Grease	15 mg/l	8
Nitrate+Nitrite Nitrogen	0.68 mg/l	7
Total Phosphorus	2.0 mg/l	6
PH	6.0-9.0 s.u.	14
Acrylonitrile (c)	7.55 mg/l	2
Aluminum, Total (pH 6.5-9)	0.75 mg/l	1
Ammonia	4 mg/l	14
Antimony, Total	0.636 mg/l	9
Arsenic, Total (c)	0.16854 mg/l	9
Benzene	0.01 mg/l	10
Beryllium, Total (c)	0.13 mg/l	2
Butylbenzyl Phthalate	3 mg/l	3

Cadmium, Total (H)	0.0159 mg/l	9
Copper, Total(H)	0.0636 mg/l	1
Chloride	860 mg/l	1
Dimethyl Phthalate	1.0 mg/l	11
Ethylbenzene	0.1 mg/l	14
Flouranthene	0.042 mg/l	3
Fluoride	1.5 mg/l	6
Iron, Total	1.0 mg/l	12
Lead, Total (H)	0.0816 mg/l	1
Manganese	0.0636 mg/l	13
Mercury, Total	0.0024 mg/l	1
Nickel, Total (H)	1.417 mg/l	1
PCB-1016(c)	0.000127 mg/l	9
PCB-1221(c)	0.10 mg/l	10
PCB-1232(c)	0.000318 mg/l	9
PCB-1242(c)	0.00020 mg/l	10
PCB-1248(c)	0.002544 mg/l	9
PCB-1254(c)	0.10 mg/l	10
PCB-1260(c)	0.000477 mg/l	9
Phenols, Total	1.0 mg/l	11
Pyrene (PAH,c)	0.01 mg/l	10
Selenium, Total	0.2385 mg/l	9
Silver, Total (H)	0.0318 mg/l	9
Toluene	0.10 mg/l	14
Trichloroethylene (c)	0.0027 mg/l	3
Zinc, Total (H)	0.117 mg/l	1

(\*) Sources

1. "EPA Recommended Ambient Water Quality Criteria." Acute Aquatic Life Freshwater
2. "EPA Recommended Ambient Water Quality Criteria." LOEL Acute Freshwater
3. "EPA Recommended Ambient Water Quality Criteria." Human Health Criteria for Consumption of Water and Organisms



4. Secondary Treatment Regulations (40 CFR 133)
5. Factor of 4 times BOD5 concentration - Benchmark
6. North Carolina storm water benchmark derived from NC Water Quality Standards
7. National Urban Runoff Program (NURP) median concentration
8. Median concentration of Storm Water Effluent Limitation Guideline (40 CFR Part 419)
9. Minimum Level (ML) based upon highest Method Detection Limit (MDL) times a factor of 3.18
10. Laboratory derived Minimum Level (ML)
11. Discharge limitations and compliance data
12. "EPA Recommended Ambient Water Quality Criteria." Chronic Aquatic Life Freshwater
13. Colorado - Chronic Aquatic Life Freshwater - Water Quality Criteria
14. Baseline General Permit for Storm Water Discharges from Industrial Activity and Best Professional Judgment

Notes:

(c) carcinogen

(H) hardness dependent

(PAH) Polynuclear Aromatic Hydrocarbon

Assumptions:

Receiving water temperature - 20° C

Receiving water pH - 7.8

Receiving water hardness CaCO<sub>3</sub> - 100 mg/l

Receiving water salinity - 20 g/kg

Acute to Chronic Ratio (ACR) - 10

As can be seen here, benchmark concentrations were determined based upon a number of existing standards or other sources to represent a level above which water quality concerns could arise. The Office has sought to develop values which can realistically be measured and achieved by industrial facilities. Moreover, storm water discharges with pollutant concentrations occurring below these levels would not warrant further analytical monitoring due to their minor potential effect on water quality. The Office believes that each of these benchmark values represents a reasonable level below which water quality impacts should not occur and they, therefore, represent a useful level to assess whether a pollution prevention plan is controlling pollution in the storm water discharges.

The Department has adopted each of the benchmark values as determined by the EPA and tabulated in the FMSP Rationale under Table 5, Parameter Benchmark Values, with the exception of those benchmark values for Ammonia, Ethyl benzene, and Toluene. Generally, the Office has adopted values for these three (3) parameters from its Baseline General Permit for Storm Water Discharges in conjunction with the application of its Best Professional Judgement (BPJ).

## 10. CHANGES FROM 1999 PERMIT

The following changes to monitoring requirements have been made to these sectors.

- Sector A-1 – Add monitoring for Biochemical Oxygen Demand (5) and Total Iron.
- Sector D-1 – Add monitoring for Chemical Oxygen Demand and Oil and Grease.
- Sector E-1 – Add monitoring for pH.
- Sector E-2 – Add monitoring for pH.
- Sector F-1 – Add monitoring for Oil and Grease and Chemical Oxygen Demand.
- Sector G-1 – Add monitoring for Oil and Grease.
- Sector H-1 – Add monitoring for Oil and Grease and Total Suspended Solids.
- Sector I-1 – Add monitoring for Oil and Grease, Total Suspended Solids, and Chemical Oxygen Demand.
- Sector L-1 – Add monitoring for Chemical Oxygen Demand and Total Suspended Solids.
- Sector P-1 – Add monitoring for Total Suspended Solids, Oil and Grease and Chemical Oxygen Demand.
- Sector R-2 – Add monitoring for Oil and Grease and Total Lead.
- Sector R-4 – Add monitoring for Oil and Grease and Total Lead.

Sector S has been changed to Sector T and Sector S has been changed to Motorsports Complexes.

The monitoring requirements are as follows.

### Sector S-1 – Oil and Grease and Total Suspended Solids

The changes and / or additions to the benchmarks for the various Sectors were made based on observations of the Division's Office of Environmental Enforcement. These changes reflect the Division's position that these additional parameters are necessary to protect waters of the state from potential violations of Water Quality Standards.

This agency is concerned about the use of cherry woods in hardwood dimensions and flooring mills; special products sawmills, millwork, veneer, plywood and structural wood, wood containers, wood buildings and mobile homes, reconstituted wood products general sawmills and planing mills facilities and wood products. The concern is about the pollutant arsenic which may be present in these types of facilities and may be added to a future permit.

The following changes have been made to Section B.

The following non storm water discharges mixed with storm water are now allowable if they are identified in the storm water pollution prevention plan.

- Mist discharges from cooling towers which are deposited at an industrial facility that meet the following two requirements.
  1. The permittee has evaluated the potential of the discharges to be contaminated by



chemicals used in the cooling tower and determined that the levels of such chemicals in the discharges would not cause or contribute to a violation of an applicable water quality standard.

2. The permittee has addressed this source of pollutants with BMP's in the SWPPP.

- Discharges from fire fighting activities
- Potable water sources
- Irrigation drainage
- Lawn watering
- External building wash down if no detergents are used
- Pavement wash waters if no detergents are used and where spills or leaks of toxic or hazardous materials have not occurred.
- Air conditioning condensate
- Compressor condensate
- Uncontaminated ground water or spring water and foundation and footing drains where flows are not contaminated with process materials.

In order to be consistent with the EPA Multisector Storm Water Industrial General Permit requirements, these non stormwater discharges will be allowed under the terms of this permit. Also to be consistent with the EPA permit the following two conditions have been added.

1. Permittees discharging pollutants of concern to waters for which there is a total maximum daily load established or approved by EPA are not eligible for coverage under this general permit.
2. If a site discharges to a stream where a Federally endangered or threatened species or its habitat are present, the applicant should contact the US Fish and Wildlife Service to insure that requirements of the Federal Endangered Species Act are met.

The sampling waiver provided for in the current Multisector Storm Water Industrial General Permit will still be made available under the terms of the reissued Multisector Storm Water Industrial General Permit. However, the permittee will be required to provide an additional set of sample results in order to maintain this waiver in the reissued Multisector Storm Water General Permit. This is being required to reflect any changes or modifications of production activities at the production site.

To be consistent with Federal Regulations under 40 CFR Section 122.26(g) a no exposure certification is now allowed.

Facilities applying for the permit registration for the first time must now submit a copy of the Storm Water Pollution Prevention Plan and Ground Water Protection Plan with the application for review by this office.

Please see Section 11 entitled "Antidegradation Requirements" below for further clarification.



## 11. ANTIDEGREDATION REQUIREMENTS

The storm water industrial multi sector permit is Best Management Practices based and has no discharge permit limits. Currently there are approximately 1,000 facilities registered under the 1999 Storm Water Industrial Multi Sector General Permit. These facilities are existing discharges and as so are not subject to antidegradation requirements. Any new facility wishing to be covered under the new multi sector general permit are now required to comply with antidegradation requirements. In order to comply with these requirements the Division of Water and Waste Management requires that these new facilities are sent to public notice. It also requires that best management practices are implemented and in place prior to any storm water discharge. This office requires that storm water pollution prevention plans and ground water protection plans be submitted with the new applications and reviewed prior to the issuance of individual registrations under the permit.

The State of West Virginia, Department of Environmental Protection, Division of Water and Waste Management, has made a tentative decision for a State NPDES Permit as listed on this Fact Sheet. In order to provide public participation on the proposed issuance of the required permit, the following information is being supplied in accordance with Title 47, Series 10, Section 11.3.e.2 and 3, of the West Virginia Legislative Rules.

Any interested persons may submit written comments on the Draft Permit and may request a public hearing by addressing such to the Director of the DWWM within 30 days of the date of the public notice. Comments will be accepted until March 6, 2004. They should be addressed to:

Director, Division of Water and Waste Management  
Department of Environmental Protection  
414 Summers Street, Second Floor  
Charleston, WV 25301  
Attention: Anne Howell, Public Information Specialist  
Phone: (304) 558-3614  
Fax: (304) 558-6202  
E-mail: AHowell,@wvdep.org

All comments received within this period will be considered prior to acting on the Draft General Permit. Correspondence should include the name, address and telephone number of the writer and a concise statement of the nature of the issues raised. Comments will also be accepted in oral or written form at the public hearing.

All applicable information concerning any permit application and the tentative decisions is on file and may be inspected, by appointment, or copies obtained, at a nominal cost, at the offices of the Division of Water and Waste Management, 414 Summers Street, Second Floor, Charleston, West Virginia 25301, Monday through Friday (except State holidays) between 8:00 a.m. to 4:00 p.m.

Hearing impaired individuals having access to a Telecommunication Device for the Deaf (TDD) may contact our agency by calling (304) 558-2751. Calls must be made between 8:30 a.m. to 3:30 p.m. Monday through Friday.

Requests for additional information should be directed to Anne Howell at (304) 558-3614.